



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,142	03/24/2004	Michael Lewis Stein	22557-3001	5285

34205 7590 03/23/2007  
OPPENHEIMER WOLFF & DONNELLY LLP  
45 SOUTH SEVENTH STREET, SUITE 3300  
MINNEAPOLIS, MN 55402

EXAMINER
----------

ALVESTEFFER, STEPHEN D

ART UNIT	PAPER NUMBER
----------	--------------

2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/808,142

Applicant(s)

STEIN ET AL.

Examiner

Stephen Alvesteffer

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 48-57 and 65-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47, 58-64 and 82-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20050526, 20050509, 20041025.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 1-85 are presented for examination. Claims 1, 44-48, 57, 58, 65, 76, and 82 are independent claims. The Information Disclosure Statements filed on October 25, 2004, May 9, 2005, and May 26, 2005 have been considered by the examiner.

### *Election/Restrictions*

A restriction requirement was mailed to the applicant on 2/7/2007. The examiner acknowledges applicant's election of Group I without traverse for further prosecution, made by way of amendment filed 3/7/2007. Claims 48-57 and 65-81 have been withdrawn from consideration. Claims 1-47, 58-64, and 82-85 will be considered for examination.

### *Specification*

The disclosure is objected to because of the following informalities:

- In paragraph [0021] line 1, "data entry means preferable comprises" should be corrected to –data entry means **preferably** comprises—
- In paragraph [0022] line 1, "Preferable the data entry means" should be corrected to –**Preferably** the data entry means—
- In paragraph [0023] line 2, "This enable a uniform" should be corrected to –This **enables** a uniform—
- In paragraph [0028] line 4, "a quick an effected manner" should be corrected to –a quick **and effective** manner—

Art Unit: 2173

- In paragraph [0029] line 3, "selected electronic patent record" should be corrected to –selected electronic **patient** record—
- The meaning of the word "liases" on line 6 of paragraph [0072] and line 2 of paragraph [0101] is unclear
- In paragraph [0129] line 12, "the 'grid' methoology" should be corrected to –the 'grid' **methodology**—

Appropriate correction is required.

### ***Claim Objections***

The claims are objected to because of the following informalities:

- In claim 22 line 3, "electronic patent record" should be corrected to –electronic **patient** record—. Appropriate correction is required.
- Regarding claim 85, "the fact" lacks antecedent basis. The examiner believes that applicant meant for claim 85 to depend on claim 84 instead of claim 82. For the purpose of advancing prosecution of the application, the examiner will assume that claim 85 depends on claim 84.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2173

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-16, 20-27, 35-41, 44-47, 58-64, and 82-83 are rejected under 35 U.S.C. 102(b) as being anticipated by Elkin et al. (hereinafter Elkin), International Publication Number WO 200171621 A1.

**Regarding claims 1, 3, and 6**, Elkin teaches workflow process designer, server, and client interfaces that graphically represent the structure of a plurality of interlinked steps (see Abstract). The invention of Elkin includes a data entry means, pathway means, and means for graphically representing the resultant path through the workflow (see Figure 14).

**Regarding claim 2**, the complete workflow process is represented on a single page (see Figure 14).

**Regarding claim 4**, nodes in the workflow can be selected and data entry can be performed at each node to affect the resultant path of the process (see Figure 15).

**Regarding claims 5 and 7**, location-specific information can be entered by selecting from a listbox, which is functionally equivalent to a dropdown list (see Figure 17).

**Regarding claims 11-14**, Elkin teaches a graphical user interface in which entered data is analyzed and possible actions and other information about the node are listed adjacent to the displayed interlinked nodes when a node is selected (see Figure 15).

**Regarding claim 15**, Elkin teaches a graphical user interface in which an action list is displayed adjacent to the displayed interlinked nodes when a node is selected (see Figure 15).

**Regarding claim 16**, Elkin teaches a generated action list in which the user is presented with tasks for confirmation (see page 47, lines 8-17).

**Regarding claims 20 and 21**, Elkin teaches a linking means for linking a node of the workflow to another node of the workflow, taking the form of a sub process. The link to the sub process node is shown as a graphical icon (see Figure 7 and page 8 of the specification).

**Regarding claims 22-24**, the recited "Electronic Patient Record Management System" is an intended use, which carries no patentable weight. Therefore, the "Electronic Patient Record Management System" will be considered as synonymous with a Database Management System (DBMS). Elkin teaches that business data stored on databases are used in the system (see page 5, lines 1-4).

**Claims 25-27** recite an intended use of providing referral information from each node, which carries no patentable weight. The nodes as taught by Elkin can provide information to users (see Figure 15).

**Regarding claims 35-39**, Elkin teaches an editing means for editing the plurality of interconnected nodes on a page (see page 33, last paragraph).

**Regarding claims 40-41**, Elkin teaches a workflow interface that enables end-users to complete tasks (see Abstract). It is inherent in such a system that the path taken by end-users through the workflow must be tracked.

**Claim 44** recites a graphical user interface with substantially the same limitations as claim 1 of the instant application. Therefore claim 44 is rejected on the same grounds.

**Claim 45** recites a graphical user interface with substantially the same limitations as claim 1 of the instant application. Therefore claim 45 is rejected on the same grounds.

**Claim 46** recites a graphical user interface with substantially the same limitations as claim 1 of the instant application. Therefore claim 46 is rejected on the same grounds.

**Claim 47** recites a method of interacting with a user during a workflow process with substantially the same limitations as claim 1 of the instant application. Therefore claim 47 is rejected on the same grounds.

**Claims 58-64** recite a graphical user interface with substantially the same limitations as claims 35-39 of the instant application. Therefore claims 58-64 are rejected on the same grounds as claims 35-39 of the instant application.

**Regarding claim 82**, Elkin teaches a method of constructing a graphical user interface, the method comprising collating content regarding a particular, recording that content in a database as a series of steps of a hierarchically structured workflow (top-down workflow process model), and generating a graphical representation of the hierarchical workflow structure, which can be used to guide a user through the workflow; the graphical representation comprising a plurality of interlinked nodes where each node

Art Unit: 2173

corresponds to a specific point within the hierarchical workflow structure (see page 4, lines 7-19).

**Regarding claim 83**, Elkin teaches that the generating step comprises generating a graphical representation comprising the plurality of interlinked nodes on a single page (see figure 14).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin in view of DeBusk et al. (hereinafter DeBusk), United States Patent number 6,314,556.

Claims 8-10 recite the use of standard classification codes within the system to describe data inputs. The use of standard classification codes was well known in the healthcare industry at the time the invention was made. DeBusk mentions the use of standardized codes within his healthcare application (see column 13 lines 39-43). It would have been obvious to one of ordinary skill in the art to use standardized classification codes in a healthcare application in order to distinctly identify information.



Art Unit: 2173

It should be noted that claim 10 recites an intended use, which carries no patentable weight.

**Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin in view of Balint et al. (hereinafter Balint), United States Patent number 5,542,024.

Elkin teaches all the features of claims 17-19 except for the recording of user-generated textual notes relating to particular nodes. Balint teaches an expert system in which users can record textual notes that will also be visible to other users of the system (see Balint claims 21-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow textual notes to be attached to workflow nodes in order to provide an intuitive method of knowledge exchange between users of the system. Note that claim 18 recites an intended use, which carries no patentable weight.

**Claims 28-34 and 42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin in view of Macrae et al. (hereinafter Macrae), United States Patent number 5,786,816.

Claims 28-34 recite a GUI further comprising a search means. The limitation that the classification code is a "standard classification code" in claim 29 and the limitation that the "subject of the workflow process is clinical medical information" in claim 30 are intended use will not be given patentable weight. Elkin teaches a GUI with all the same functions as the GUI of the instant application except for search functionality. Macrae

Art Unit: 2173

teaches a client application that allows users to search through a library to items that match specified attributes and search criteria (see column 32, lines 37-41). It would have been obvious to one of ordinary skill in the art to combine the inventions of Elkin and Macrae in order to provide search functionality to the application.

Elkin teaches all the limitations of claims 42-43 except for quantifying the cost of the workflow processes and analyzing the performance of users. The graphical user interface as taught by Macrae solves these problems (see column 2, lines 26-38). It would have been obvious to one of ordinary skill in the art to combine the quantifying the cost of the workflow processes and analyzing the performance of users of Macrae with the graphical user interface of Elkin in order to provide cost and performance analysis of the workflow process.

**Claims 84 and 85** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin in view of Teitelbaum, United States Patent number 6,607,482.

Elkin teaches all the limitations of claims 84 and 85 except for creating a workflow which commences with a fact in relation to one of a plurality of causes of the fact and the workflow steps provide a methodology to determine which of the plurality of causes is responsible for generating this fact, wherein the workflow is a clinical diagnosis workflow, and the fact comprises a symptom and the cause of the fact comprises a medical condition. Teitelbaum teaches a computerized questionnaire system which takes symptoms as input and assists in making a clinical diagnosis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine

Art Unit: 2173

the diagnosis system of Teitelbaum with the workflow system of Elkin in order to adapt the workflow system for use in the medical field.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571) 270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

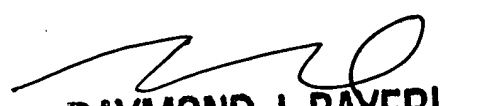
Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer  
Examiner  
Art Unit 2173



A  
3-16-2007



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173